

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**JERMERRAL LAMAR BOWIE,**  
**Plaintiff,**

**v.**

**Case No. 06-C-897**

**DAVID CLARKE, DEPUTY KICKBUSH  
and SGT. HALE,**  
**Defendants,**

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**ORDER**

Defendants filed a motion for leave to file motion to dismiss for failure to prosecute or, alternatively, motion for summary judgment ("motion to dismiss") on October 11, 2007, along with the actual motion to dismiss and supporting materials. I granted defendants' motion for leave to file on November 13, 2007, and the motion to dismiss was filed on the same date. Court records indicate that a copy of the motion to dismiss and supporting materials were mailed to plaintiff on October 11, 2007. Under the applicable procedural rules, plaintiff's response to defendants' motion to dismiss should have been filed on or before December 13, 2007.

Briefing schedules are set forth in Civil L.R. 7.1 (E.D. Wis.). Parties are expected to comply with the procedures and dates specified in the rule without involvement of the court. Court records show that plaintiff did not file any response to defendants' motion to dismiss. The court will allow plaintiff to file a response to such motion on or before **February 1, 2008**. Plaintiff is hereby advised that if he fails to file any response to defendants' motion by **February 1, 2008**, this action will be dismissed with prejudice for lack of prosecution pursuant to Civil L.R. 41.3 (E.D. Wis.) (copy enclosed) and Fed. R. Civ. P. 41(b).

For the reasons stated,

**IT IS ORDERED** that plaintiff shall file a response to defendants' motion to dismiss by **February 1, 2008**. Failure to file such a response will result in dismissal of this action for failure to prosecute.

Dated at Milwaukee, Wisconsin, this 15 day of January, 2008.

/s \_\_\_\_\_  
LYNN ADELMAN  
District Judge